

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Call to Order:** Chair Don Roberts, on January 31, 2011 at 8:00 AM, in Room 102 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Don Roberts, Chair (R)  
Sen. Dave Lewis, Vice Chair (R)  
Rep. Tony Belcourt (D)  
Rep. Tom Burnett (R)  
Sen. Mary Caferro (D)  
Rep. John Esp (R)  
Sen. Jason Priest (R)  
Rep. Trudi Schmidt (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Marilyn Daumiller, Legislative Branch  
Miranda Keaster, Committee Secretary  
Lois Steinbeck, Legislative Branch  
Kris Wilkinson, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Executive Action: Public Health and Safety Division Decision Packages

**5% Reduction Plan**

00:00:47 Kris Wilkinson, Legislative Fiscal Division (LFD)

**EXHIBIT(jhh24a01)**

00:01:17 Rep. Schmidt

00:01:26 Kris Wilkinson

00:01:31 Rep. Schmidt

00:01:36 Kris Wilkinson

00:01:50 Rep. Schmidt

00:02:23 Kris Wilkinson

00:05:30 Rep. Esp

00:05:45 Sen. Lewis

00:06:12 Rep. Schmidt

00:06:44 Kris Wilkinson

00:07:07 Anna Whiting Sorrell, Director, Department of Public Health and Human Services (DPHHS)

**EXHIBIT(jhh24a02)**

**EXHIBIT(jhh24a03)**

00:08:43 Rep. Belcourt

00:09:13 Anna Whiting Sorrell

00:09:31 Sen. Caferro

00:10:19 Pat Sullivan, Governor's Budget Office

00:10:25 Sen. Caferro

00:10:38 Pat Sullivan

00:10:49 Rep. Schmidt

00:11:31 Pat Sullivan

00:11:44 Chairman Roberts

**Tobacco Control and Prevention:**

00:11:55 **Motion:** Rep. Roberts moved that **ELIMINATING FUNDING FOR TOBACCO CONTROL AND PREVENTION BE ADOPTED.**

**Discussion:**

00:12:11 Rep. Schmidt

00:12:20 Kris Wilkinson, LFD

00:13:33 Rep. Belcourt

00:13:55 Chairman Roberts

00:14:13 Rep. Schmidt

00:14:37 Sen. Caferro

00:14:46 Kris Wilkinson

00:15:18 Sen. Caferro

00:15:37 Chairman Roberts

00:15:39 Sen. Caferro

00:15:43 Chairman Roberts

00:15:48 Rep. Schmidt

00:15:59 Kris Wilkinson

00:16:36 Sen. Lewis

00:17:38 Rep. Schmidt

00:18:48 Sen. Lewis  
00:19:55 Sen. Caferro  
00:20:04 Chairman Roberts  
00:20:13 Sen. Caferro  
00:21:38 Sen. Priest  
00:23:13 Chairman Roberts  
00:24:37 Kris Wilkinson  
00:25:01 Sen. Lewis

00:25:05 **Vote:** Motion carried 5-3 by roll call vote with Rep. Belcourt, Sen. Caferro and Rep. Schmidt voting no.

00:25:44 Recess  
00:59:15 Reconvene  
01:00:08 Chairman Roberts

01:00:12 **Motion:** Rep. Belcourt moved to **USE \$7,675,649 IN TOBACCO CESSATION AND PREVENTION FUNDS FOR TRIBAL PROGRAMS TO REDUCE SMOKING AND TOBACCO USE BE ADOPTED.**

**Discussion**

01:00:38 Sen. Lewis

01:01:10 **Substitute Motion:** Rep. Esp made a substitute motion that **\$700,000 BE DIRECTED IN TOBACCO CESSATION AND PREVENTION FUNDS FOR TRIBAL PROGRAMS BE ADOPTED.**

**Discussion:**

1:01:41 Rep. Burnett

01:02:32 **Vote:** Motion carried 5-3 by roll call vote with Rep. Burnett, Sen. Caferro and Rep. Schmidt voting no.

**PL7004**

01:02:39 Kris Wilkinson, LFD

01:03:24 **Motion:** Rep. Roberts moved that **PL7004 BE ADOPTED.**

**Discussion:**

01:03:32 Rep. Schmidt  
01:03:37 Kris Wilkinson, LFD  
01:03:59 Sen. Lewis  
01:04:24 Chairman Roberts  
01:04:30 Rep. Burnett  
01:04:44 Chairman Roberts  
01:04:48 Sen. Lewis

01:05:03 Rep. Schmidt  
01:05:17 Jane Smilie, DPHHS  
01:06:12 Rep. Schmidt  
01:06:21 Jane Smilie  
01:08:11 Rep. Schmidt  
01:08:41 Chairman Roberts  
01:08:49 Sen. Caferro  
01:09:02 Chairman Roberts

01:10:11 **Vote:** Motion carried unanimously by roll call vote.

**NP70105**

01:10:23 Kris Wilkinson, LFD  
01:11:10 Jane Smilie, DPHHS

01:11:44 **Motion/Vote:** Rep. Esp moved that **NP70105 BE ADOPTED**. Motion carried 7-1 by voice vote with Rep. Burnett voting no.

**NP70106**

01:12:42 Kris Wilkinson, LFD

01:12:54 **Motion:** Rep. Roberts moved that **NP70106 BE ADOPTED**.

**Discussion:**

01:13:04 Rep. Esp  
01:13:23 Jane Smilie, DPHHS  
01:13:41 Rep. Esp  
01:13:54 Jane Smilie

01:14:54 **Vote:** Motion carried 6-2 by voice vote with Rep. Esp and Sen. Priest voting no.

**NP70107**

01:15:19 Chairman Roberts  
01:15:26 Kris Wilkinson, LFD

01:16:07 **Motion/Vote:** Rep. Esp moved that **NP70107 BE ADOPTED**. Motion carried 7-1 by voice vote with Rep. Burnett voting no.

**NP70108**

01:16:33 Kris Wilkinson, LFD

01:17:06 **Motion/Vote:** Rep. Roberts moved that **NP70108 BE ADOPTED**. Motion failed 3-5 by roll call vote with Rep. Belcourt, Sen. Caferro and Rep. Schmidt voting aye.

01:17:56 Rep. Schmidt  
01:18:08 Jane Smilie, DPHHS

**NP70109**

01:18:21 Kris Wilkinson, LFD

01:18:46 **Motion/Vote:** Rep. Roberts moved that **NP70109 BE ADOPTED**. Motion carried 6-2 by voice vote with Rep. Burnett and Rep. Esp voting no.

01:19:08 Kris Wilkinson  
01:19:33 Rep. Esp  
01:19:50 Chairman Roberts  
01:19:59 Rep. Esp

**NP 95072**

01:20:13 Rep. Esp  
01:21:00 Kris Wilkinson, LFD

01:21:19 **Motion:** Rep. Esp moved to **REMOVE GENERAL FUND SUPPORT FOR FAMILY PLANNING SERVICES FROM THE BASE EACH YEAR OF THE BIENNIUM AND THEN REINSTATE SOME OF THE BENEFITS WHEN ADOPTED 96304, URINALYSIS, DIAPER ALLOWANCE, RESPITE CARE, TRANSPORTATION, IN-HOME SERVICES, AND CASE MANAGEMENT REINSTATING ABOUT \$260,000 GENERAL FUNDS EACH YEAR BE ADOPTED.**

**Discussion:**

01:21:46 Sen. Caferro  
01:22:18 Rep. Esp  
01:22:20 Sen. Caferro  
01:22:34 Rep. Esp  
01:22:48 Kris Wilkinson

01:23:24 **Substitute Motion:** Rep. Esp made a substitute motion **TO CORRECT THE GENERAL FUND REDUCTIONS OF \$3,212 RELATED TO THE BEHAVIORAL RISK SURVEY BY APPROPRIATELY REDUCING ANOTHER REPORTING LEVEL THAT HAS GENERAL FUND INCLUDED IN THE BASE BE ADOPTED.**

**Discussion:**

01:24:44 Rep. Schmidt  
01:24:51 Kris Wilkinson, LFD  
01:25:53 Rep. Schmidt  
01:26:08 Jane Smilie, DPHHS  
01:26:20 Rep. Schmidt  
01:26:29 Rep. Esp

01:26:53 Rep. Schmidt  
01:27:07 Jane Smilie  
01:28:09 Sen. Caferro  
01:30:10 Sen. Lewis  
01:30:40 Rep. Schmidt  
01:32:15 Rep. Esp

01:33:49 **Vote:** Motion carried 5-3 by roll call vote with Rep. Burnett, Sen. Caferro and Rep. Schmidt voting no.

01:34:20 Kris Wilkinson, LFD

01:35:02 **Motion:** Rep. Roberts moved that **THE BUDGET BE APPROPRIATELY DIRECTED SO ALL LEVELS ARE CORRECT BE ADOPTED.**

**Discussion:**

01:35:10 Sen. Caferro  
01:36:05 Kris Wilkinson  
01:36:13 Sen. Caferro  
01:36:19 Jane Smilie, DPHHS

01:36:32 **Vote:** Motion carried unanimously by voice vote.

**DP10006**

01:36:51 Kris Wilkinson, LFD

01:38:16 **Motion:** Rep. Roberts moved that **DP10006 BE ADOPTED.**

**Discussion:**

01:38:27 Sen. Lewis  
01:39:28 Kris Wilkinson, LFD  
01:39:44 Sen. Lewis  
001:40:10 Rep. Esp  
001:40:21 Chairman Roberts withdrew motion.  
01:40:29 Rep. Schmidt  
01:40:46 Mary Dalton, DPHHS  
01:41:16 Rep. Schmidt  
01:41:37 Mary Dalton

**Healthy Montana Kids**

01:43:49 Lois Steinbeck, LFD

**NP11130**

01:45:11 Chairman Roberts

01:45:23 Rep. Schmidt

01:45:34 Lois Steinbeck, LFD

01:45:48 Chairman Roberts

01:46:08 **Motion/Vote:** Rep. Roberts moved that **NP11130 BE ADOPTED**. Motion failed 3-5 by roll call vote with Rep. Belcourt, Sen. Caferro and Rep. Schmidt voting aye.

**NP55423**

01:46:59 **Motion:** Rep. Roberts moved to **REINSTATE NP55423 PACE PROGRAM FOR \$314, 459 GENERAL FUND AND \$640, 983 IN FEDERAL FUND BE ADOPTED**.

**Discussion:**

01:47:22 Kris Wilkinson, LFD

01:47:51 Rep. Burnett

01:48:05 Kris Wilkinson

01:48:17 Rep. Burnett

01:48:35 Kris Wilkinson

01:48:41 Rep. Burnett

01:48:58 Mary Dalton, DPHHS

01:49:22 Rep. Burnett

01:49:33 Mary Dalton

01:50:32 Sen. Caferro

01:51:21 Mary Dalton

01:52:24 Chairman Roberts

01:52:49 Mary Dalton

01:53:29 Chairman Roberts

01:53:48 Mary Dalton

01:54:41 Sen. Caferro

01:55:07 Mary Dalton

01:56:19 Sen. Lewis

01:56:50 Mary Dalton

01:57:12 Rep. Belcourt

01:57:23 Mary Dalton

01:58:22 Rep. Belcourt

01:58:25 Mary Dalton

01:59:22 Rep. Schmidt

02:00:23 Mary Dalton

02:01:31 Rep. Schmidt

02:01:38 Mary Dalton

02:01:41 Rep. Schmidt  
02:01:56 Mary Dalton  
02:02:22 Rep. Schmidt  
02:03:16 Mary Dalton  
02:03:39 Chairman Roberts  
02:04:13 Mary Dalton

02:04:46 **Vote:** Motion failed 1-7 by roll call vote with Rep. Roberts voting aye. Sen. Priest voted by proxy.

**PL22101**

02:05:37 Kris Wilkinson, LFD

02:06:13 **Motion:** Rep. Roberts moved that **PL22101 BE ADOPTED.**

**Discussion:**

02:06:24 Rep. Burnett  
02:06:42 Kris Wilkinson, LFD  
02:07:19 Kelly Williams, DPHHS  
02:07:30 Rep. Burnett  
02:07:55 Kris Wilkinson  
02:09:39 Kelly Williams  
02:10:13 Sen. Lewis

02:10:41 **Vote:** Motion carried unanimously by voice vote.

**PL22102**

02:10:54 Kris Wilkinson, LFD

02:11:25 **Motion/Vote:** Rep. Esp moved that **PL22102, PL22105, PL22108, PL22110 BE ADOPTED.** Motion carried unanimously by voice vote.

**PL22104**

02:12:07 Kris Wilkinson, LFD

02:13:18 **Motion/Vote:** Rep. Roberts moved that **PL22104 BE ADOPTED.** Motion carried 7-1 by voice vote with Rep. Esp voting no.

**PL22107**

02:13:44 Kris Wilkinson, LFD

02:14:14 **Motion/Vote:** Rep. Roberts moved that **PL22107 BE ADOPTED.** Motion carried unanimously by voice vote.



**PL22109**

02:14:37 Kris Wilkinson, LFD

02:15:18 **Motion:** Rep. Roberts moved that **PL22109 BE ADOPTED.**

**Discussion:**

02:15:27 Rep Esp

02:15:40 Kris Wilkinson, LFD

02:15:52 **Vote:** Motion carried unanimously by voice vote.

**PL22112**

02:16:06 Kris Wilkinson, LFD

02:16:44 **Motion/Vote:** Rep. Roberts moved that **PL22112 BE ADOPTED.** Motion carried unanimously by voice vote.

02:17:08 Chairman Roberts

**PL22117**

02:17:50 Kris Wilkinson, LFD

02:18:23 **Motion:** Rep. Roberts moved that **PL22117 BE ADOPTED.**

**Discussion:**

02:18:32 Rep. Burnett

02:18:47 Kelly Williams, DPHHS

02:19:13 **Vote:** Motion carried unanimously by voice vote.

**PL22118**

02:19:31 Kris Wilkinson, LFD

02:20:05 **Motion/Vote:** Rep. Roberts moved that **PL22118 BE ADOPTED.** Motion carried unanimously by voice vote.

**PL22119**

02:20:25 Kris Wilkinson, LFD

02:21:01 **Motion/Vote:** Rep. Roberts moved that **PL22119 BE ADOPTED.** Motion failed 2-6 by roll call vote with Rep. Belcourt and Rep. Schmidt voting aye.

**PL22120**

02:21:58 Kris Wilkinson, LFD

02:22:22 **Motion:** Rep. Roberts moved that **PL22120 BE ADOPTED.**

**Discussion:**

02:22:32 Rep. Burnett

02:23:09 Laurie Lambson, DPHHS

02:23:57 Pat Sullivan, Governor's Budget Office

02:24:41 **Motion:** Rep. Burnett moved that **PL22120 BE ADOPTED AS AMENDED.**

**Discussion:**

02:25:06 Rep. Schmidt

02:25:11 Rep. Burnett

02:25:48 Rep. Schmidt

02:26:12 Kelly Williams, DPHHS

02:27:20 Rep. Schmidt

02:27:58 Pat Sullivan

02:29:15 **Vote:** Motion carried 6-2 by roll call vote with Rep. Belcourt and Rep. Schmidt voting no.

02:29:48 Kris Wilkinson, LFD

02:30:00 **Motion:** Sen. Caferro moved **TO FUND 100 SLOTS FOR THE HOME AND COMMUNITY BASED WAIVER SERVICES AT \$2.5 MILLION TOTAL FUNDS INCLUDING \$845,500 IN STATE SPECIAL REVENUE FUNDS AND RESTORE THE 80 HOME AND COMMUNITY BASED WAIVER SLOTS THAT WERE FUNDED ONE-TIME-ONLY USING \$676,200 IN FY 2010 AND \$685,200 IN FY 2013 IN STATE SPECIAL REVENUE FUNDS FROM THE HEALTH AND MEDICAID INITIATIVE ACCOUNT BE ADOPTED.**

**Discussion:**

02:33:39 Chairman Roberts

02:33:49 Sen. Caferro

02:33:54 Chairman Roberts

02:33:59 Sen. Caferro

02:36:22 Sen. Lewis

02:37:00 Sen. Caferro

02:38:01 Sen. Lewis

02:38:21 Sen. Caferro

02:38:59 Sen. Lewis

02:39:26 Sen. Caferro

02:39:46 Rep. Esp

02:40:04 Sen. Caferro  
02:41:06 Rep. Esp  
02:41:22 Sen. Caferro  
02:42:00 Rep. Esp  
02:42:38 Lois Steinbeck. LFD  
02:43:02 Rep. Esp  
02:43:08 Kris Wilkinson, LFD  
02:44:39 Chairman Roberts  
02:45:11 Sen. Priest  
02:45:58 Lois Steinbeck  
02:47:13 Sen. Lewis  
02:47:56 Lois Steinbeck  
02:50:37 Sen. Lewis  
02:50:58 Lois Steinbeck  
02:52:15 Rep. Esp

02:52:35 **Substitute Motion:** Rep. Esp made a substitute motion that **THERE BE FURTHER INVESTIGATION AND ADDED TO THE NEXT EXECUTIVE ACTION.**

**Discussion:**

02:52:47 Rep. Schmidt  
02:54:05 Chairman Roberts  
02:54:22 Sen. Caferro  
02:55:07 Chairman Roberts

02:55:22 **Vote:** Motion carried unanimously by voice vote.

02:55:32 Chairman Roberts

02:55:43 **Motion:** Sen. Caferro moved **TO RESTORE THE \$1.9 MILLION IN FY 2012 AND \$2.4 MILLION IN FY 2013 IN GENERAL FUND FOR THE DIRECT CARE WORKERS FUNDED WITH ONE-TIME-ONLY FUNDING PREVIOUSLY BE ADOPTED.**

**Discussion:**

02:57:49 Rep. Esp  
02:57:55 Sen. Caferro  
02:58:32 Rep. Burnett  
02:58:52 Sen. Caferro  
02:58:54 Rep. Burnett  
02:58:56 Sen. Caferro  
03:00:30 Sen. Lewis  
03:00:40 Sen. Caferro

03:00:58 **Vote:** Motion failed 3-5 by roll call vote with Rep. Belcourt, Sen. Caferro and Rep. Schmidt voting aye. Rep. Esp voted by proxy.

03:01:33 **Motion:** Sen. Caferro moved that **RESTORED GENERAL FUND OF \$3.0 MILLION TO THE AREA AGENCIES ON AGING BE ADOPTED.**

**Discussion:**

03:02:16 Rep. Schmidt

03:02:46 **Vote:** Motion failed 3-5 by roll call vote with Rep. Belcourt, Sen. Caferro and Rep. Schmidt voting aye.

03:03:19 Rep. Schmidt

03:04:41 **Motion:** Rep. Esp moved **THE BALANCE OF THE \$140,000 IN GENERAL FUND TO SUPPORT CRISES DIVERSION FUNDING BE ADOPTED.**

**Discussion:**

03:05:16 Rep. Schmidt

03:05:25 Chairman Roberts

03:05:32 Rep. Esp

03:05:52 **Vote:** Motion carried 5-3 by roll call vote with Rep. Belcourt, Sen. Caferro and Rep. Schmidt voting no.

**PL33001**

03:06:02 Lois Steinbeck, LFD

[EXHIBIT\(jhh24a04\)](#)

03:09:45 Lou Thompson, DPHHS

03:10:21 **Motion:** Rep. Roberts moved that **PL33001 BE ADOPTED.**

**Discussion:**

03:10:35 Rep. Burnett

03:10:51 Lois Steinbeck, LFD

03:11:29 Rep. Burnett

03:11:49 Lou Thompson, DPHHS

03:12:50 Rep. Schmidt

03:13:03 Lou Thompson

03:13:06 **Vote:** Motion carried unanimously by voice vote.

03:13:34 Chairman Roberts

**PL33003**

03:13:46 Lois Steinbeck, LFD

03:14:10 **Motion:** Rep. Roberts moved that **PL33003 BE ADOPTED.**

**Discussion:**

03:14:22 Rep. Esp

03:14:49 Lois Steinbeck, LFD

003:15:17 Rep. Burnett

03:15:30 Lois Steinbeck

03:15:40 Rep. Burnett

03:16:08 Lois Steinbeck

03:16:29 **Vote:** Motion carried 7-1 by voice vote with Rep. Esp voting no.

**PL33005**

03:17:00 Lois Steinbeck, LFD

03:17:16 **Motion/Vote:** Rep. Roberts moved that **PL33005 BE ADOPTED.** Motion carried 7-1 by voice vote with Rep. Esp voting no.

**PL33006**

03:17:45 Lois Steinbeck, LFD

03:18:28 **Motion:** Rep. Roberts moved that **PL33006 BE ADOPTED.**

03:18:42 **Substitute Motion:** Rep. Esp made a substitute motion that **PL33006, PL33007, PL33012, PL33013 BE ADOPTED.**

**Discussion:**

03:19:00 Sen. Lewis

03:19:50 Lois Steinbeck, LFD

03:19:59 Rep. Esp

03:20:07 Sen. Lewis

03:20:17 Sen. Caferro

03:20:31 **Vote:** Motion carried unanimously by voice vote.

03:21:00 **Motion:** Sen. Caferro moved that **RESTORED FUNDING FOR THE HB 130'S SERIES, NP55141 HB 130 CRISIS DIVERSION FUNDING IN HB 2 17-7-140 , MCA USING \$619,468 EACH YEAR FROM THE TOBACCO SETTLEMENT INTEREST STATE SPECIAL REVENUE ACCOUNT BE ADOPTED.**

**Discussion:**

03:21:23 Chairman Roberts  
03:21:57 Sen. Caferro  
03:24:17 Lou Thompson, DPHHS

**EXHIBIT(jhh24a05)**

03:26:53 Sen. Lewis  
03:27:25 Sen. Caferro  
03:28:14 Lois Steinbeck, LFD  
03:29:10 Rep. Esp  
03:29:47 Sen. Caferro  
03:31:09 Rep. Esp  
03:31:40 Chairman Roberts  
03:31:48 Sen. Caferro  
03:32:08 Chairman Roberts  
03:32:37 Sen. Caferro  
03:32:42 Chairman Roberts  
03:32:51 Sen. Caferro withdrew motion.  
03:33:04 Chairman Roberts  
03:33:10 Rep. Schmidt  
03:33:21 Sen. Caferro  
03:33:40 Rep. Schmidt  
03:33:50 Pat Sullivan, Governor's Budget Office  
03:34:26 Lois Steinbeck  
03:34:41 Kris Wilkinson, LFD  
03:35:24 Rep. Schmidt  
03:35:48 Rep. Esp  
03:35:59 Sen. Caferro  
03:36:04 Rep. Esp  
03:36:10 Sen. Caferro  
03:36:22 Chairman Roberts

**ADJOURNMENT**

Adjournment: 03:36:34

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Miranda Keaster, Secretary

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Additional Documents:

**EXHIBIT**([jhh24aad.pdf](#))